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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,045	06/21/2001	Christof Lausser	1587GLEPT	8715
26986	7590	10/03/2003	EXAMINER	
MORRISS O'BRYANT COMPAGNI, P.C. 136 SOUTH MAIN STREET SUITE 700 SALT LAKE CITY, UT 84101			KOEHLER, ROBERT R	
			ART UNIT	PAPER NUMBER
			1775	9
DATE MAILED: 10/03/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,045

Applicant(s)

LAUSSER ET AL.

Examiner

Robert R. Koehler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001 and 29 March 2002. (Pre. Amdts.)
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 21 June 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

A. Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c). The declaration filed on June 21, 2001 contains non-initialed and non-dated alterations by the first inventor.

B. On page 1 of the declaration, the claimed priority to application number PCT/EP99/06800 includes an incorrect filing date for the PCT application. The correct filing date of the PCT application is September 14, 1999.

Drawings

The proposed drawing corrections for Fig. 2A, Fig. 2B, and Fig. 2C submitted on June 21, 2001, are approved by the Examiner. Corrected formal drawings (sheets 1 and 2) are required in reply to this Office action.

Specification

The disclosure is objected to because of the following informalities: **A.** The specification at line 7 on page 2 refers to a claim number. References to claim numbers in the specification should be removed. **B.** The German-language subscripts for the various passageway hole diameters (e.g., "1vor", "2nach") should be presented in English in order to be consistent with the terminology of the approved drawing corrections. See page 9 of the specification and the drawing corrections for Fig. 2A, Fig. 2B, and Fig. 2C submitted on June 21, 2001. Note that pages 5 to 15 have been renumbered by the Examiner as "6" to "16", respectively, because the

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first Preliminary Amendment replaced original pages 1 through 4 with replacement sheets 1 through 5.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10 to 24 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The "anodizing time," as described on page 9 of the specification, is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The Examiner believes that information about the "anodizing time" must be provided in the specification in order that the claimed process, claimed apparatus, and claimed article having a structured anodic coating within a valve hole can be understood by a person skilled in the art of electrochemical engineering. The determination of an "anodizing time" is critical for practicing the claimed invention because the applicants strive to produce a highly structured anodic coating on a complex surface (for example, a valve hole) by controlling not only the applied current (or current density) at the complex surface but also by controlling the electrolyte movement (i.e., electrolyte speed and direction of movement). On page 9 of the specification, the constant "K" has not been adequately defined and its calculation has not been described. Also, the equation " $\Delta\theta$ " does not show the manner in which the values " θ_{1vor} ", " θ_{2nach} ", " θ_{2vor} ", and " θ_{1nach} " are used in conjunction with the variables " θ_{soll} ", " θ_1 ", and " θ_2 ".

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Please note that the variables " \emptyset_1 " and " \emptyset_2 " have not been defined or described in the specification.

Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,261,433 (Landau) teaches an apparatus and a method for producing consistent metal electroplating or electrochemical deposition onto semiconductor substrates. Landau mentions the usage of a flow adjuster in order to enhance electrolyte flow uniformity across a substrate plating surface (column 13 and Fig. 5), but the patent does not reasonably teach or suggest the production of a complex-shaped anodic coating (i.e., aluminum oxide) on an aluminum or aluminum alloy complex surface feature such as a passageway hole.

Conclusion


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Robert Koehler whose telephone number is (703) 308-1974. The Examiner can normally be reached on Tuesday to Friday from 8:30 AM to 6:00 PM. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Deborah Jones, can be reached on (703) 308-3822. The fax phone number for this Art Unit is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

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A handwritten signature in black ink, appearing to read "Robert R. Koehler". The signature is stylized with a large, looped "R" and a cursive "Koehler".

ROBERT R. KOEHLER
PRIMARY EXAMINER

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September 23, 2003